

REPORT OF THE COMMITTEE ON ZONING AND PLANNING

Voting Members:

Brandon J.C. Elefante, Chair; Esther Kia'āina, Vice-Chair;
Radiant Cordero, Calvin K.Y. Say

Committee Meeting Held
March 3, 2022

ADVANCE COPY

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Zoning and Planning, to which was referred the review and evaluation of the Zoning Board of Appeals ("Board") pursuant to Ordinance 17-44 (codified as Chapter 3, Article 15, Revised Ordinances of Honolulu 1990 ("ROH")), reports as follows:

The purpose of the review and evaluation is to determine whether the provision of the Revised Charter of the City and County of Honolulu 1973 (Amended 2017 Edition), as amended ("Charter"), establishing the Board should be retained, amended, or repealed. Ordinance 17-44 implements Charter Section 13-103.2, which mandates the periodic review and evaluation of certain City boards and commissions as provided by ordinance.

The Board was established by Charter Section 6-1516 and has the following powers, duties, and functions:

The zoning board of appeals shall hear and determine appeals from the actions of the director in the administration of the zoning ordinances, including variances therefrom, subdivision ordinances and any rules and regulations adopted pursuant to either.

The Board consists of five members, appointed by the Mayor and confirmed by the City Council ("Council") to staggered five-year terms pursuant to Charter Section 13-103.

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 46

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By Departmental Communication 80 (2022) ("D-80 (2022)"), dated February 1, 2022, the Board submitted to the Council a report on its accomplishments and activities, as required by Ordinance 17-44 (ROH Section 3-15.4).

At your Committee's meeting on February 10, 2022, the Vice Chair of the Board explained the duties of the Board, noted that there is currently one vacancy on the Board, and reiterated the recommendation contained in D-80 (2022) that the Zoning Board of Appeals be retained without change.

No public testimony was received.

Your Committee, after due consideration, makes the following findings:

- That the Zoning Board of Appeals provides an appropriate venue to hear and determine appeals from the actions of the Director of Planning and Permitting.
- That the Zoning Board of Appeals has most recently conducted 14 contested case hearings in 2020 and 18 contested case hearings in 2021.
- That the Zoning Board of Appeals has posted meeting agendas and recorded meetings to enhance public access and transparency.
- That the Zoning Board of Appeals has operated in accordance with Section 6-1516 of the Revised Charter of Honolulu.

Based on the foregoing, your Committee recommends that the Zoning Board of Appeals be retained without change, amendment, or repeal.

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Your Committee on Zoning and Planning recommends that this Committee Report be scheduled for a public hearing and be adopted by the Council as the Council's determination on the review and evaluation of the Zoning Board of Appeals. (Ayes: Cordero, Elefante, Say – 3; Noes: None; Excused: Kia'āina - 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

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